

**THE GREATER BOMBAY LAWS AND THE BOMBAY HIGH COURT
(DECLARATION OF LIMITS) ACT, 1945.**

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† BOMBAY ACT No. XVII OF 1945.¹

[THE GREATER BOMBAY LAWS AND THE BOMBAY HIGH COURT (DECLARATION OF LIMITS) ACT, 1945.]

[15th August 1945.]

Amended by Bom. 52 of 1947.

WHEREAS it is expedient to extend the limits of the City of Bombay by including therein some portion of the Bombay Suburban District ; AND WHEREAS it is necessary to constitute the whole of the said -area into an area hereinafter called the Greater Bombay ;

26 Geo. 5, Ch. 2. AND WHEREAS clause 11 of the Letters Patent of the High Court of Judicature at Bombay dated the 28th December 1865 provides that the said High Court shall have and exercise ordinary original civil jurisdiction within such local limits as may from time to time be declared and prescribed by any law made by the Governor of Bombay in Council ; AND WHEREAS under the provisions of the Government of India Act, 1935, the Provincial Legislature of Bombay is competent to declare and prescribe the local limits of such jurisdiction ;

26 Geo. 5, Ch. 2. AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, the powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945. Short title and commencement.

(2) It shall come into force with effect from such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

2. In this Act,—

Definitions.

(1) " City of Bombay " means the area within the local limits of the ordinary original civil jurisdiction of the High Court immediately before the commencement of this Act ;

(2) " Greater Bombay " means the areas for the time being specified in Schedule A ;

(3) " High Court " means the High Court of Judicature at Bombay ;

(4) " Letters Patent " means the Letters Patent of the High Court dated the 28th December 1865 ;

(5) " Schedule " means a Schedule appended to this Act.

3. (1) Such provisions, or such parts of the provisions,—

Extension of enactments to Greater Bombay.

26 Geo. 5. (a) of any enactment relating to any of the matters enumerated in Lists II and III in the Seventh Schedule to the Government of India Act, 1935, made by any authority in British India, or

(b) of any notification, order, scheme, rule, form or by-law issued, made or prescribed under any enactment of the class referred to in clause (a),

† This Act was repealed and re-enacted except section 9 and Schedule E by Bom. 52 of 1947, s. 2.

¹ For the Statement, see *Bombay Government Gazette*, 1945, Pt. IV, page 147.

as were in force immediately before the commencement of this Act in the area comprised in the City of Bombay (in whatever manner described, whether a City of Bombay, Town of Bombay, Town and Island of Bombay, Islands of Bombay and Kolaba, Presidency-town, Presidency-town of Bombay, Collectorate of Bombay or otherwise) but not in the other areas comprised in Greater Bombay are hereby declared to be in force in all the areas comprised in Greater Bombay, and all references to the said City, in whatever manner described, in the said provisions of the enactments, notifications, orders, schemes, rules, forms and by-laws shall be deemed to be references to Greater Bombay.

(2) Nothing in sub-section (1) shall—

(a) apply to any provisions made by or under the enactments specified in Schedule B and Schedule C;

(b) affect the right of any competent authority to repeal, amend or cancel any enactment, notification, order, scheme, rule, form or by-law referred to in sub-section (1).

Certain enactments not to be in force in the added areas.

4. (1) The enactments mentioned in Schedule D and all notifications, orders, schemes, rules, forms and by-laws made, issued or prescribed thereunder shall cease to apply to, or to be in force in, the areas specified in Part II of Schedule A.

(2) Nothing in sub-section (1) shall affect—

(a) the right of any competent authority to direct that any enactment, notification, order, scheme, rule, form or by-law referred to in the said sub-section shall apply to or be in force in the areas referred to in the said sub-section or to make, issue or prescribe any notification, order, scheme, rule, form or by-law under any such enactment; or

(b) the operation of any such enactment, notification, order, scheme, rule, form or by-law before the commencement of this Act; or

(c) any right, privilege, obligation or liability acquired, accrued or incurred under any such enactment, notification, order, scheme, rule, form or by-law before the commencement of this Act.

Declaration of limits of jurisdiction of the High Court.

5. (1) The High Court shall have and exercise ordinary original civil jurisdiction within the areas for the time being comprised in Greater Bombay.

(2) Save as otherwise provided in this Act, nothing in sub-section (1) shall affect—

(a) the jurisdiction of the High Court as a Court of Admiralty or Vice Admiralty under clauses 32 and 33 of the Letters Patent or under the Territorial Waters Jurisdiction Act, 1878, or otherwise exercisable by it in connection with prize matters or other maritime questions arising in India; 41-42
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(b) any right or liability of any Government or any local authority or person, except in regard to the exercise of jurisdiction and any legal consequences thereof.

6. Notwithstanding anything contained in this Act all proceedings pending in Pending any court in Greater Bombay and all other proceedings of whatever nature pend- proceedings. ing before any public officer, 1* * * * at the date of the commencement of this Act (including proceedings where an appeal or an application for revision lies or will lie from a decision made or to be made), 2[if such other proceedings are pending in any of the areas comprised in Greater Bombay or are pending in respect of any such areas] shall be disposed of by such authority as the Provincial Government may direct and in the absence of such direction any such proceeding shall be continued and disposed of as if this Act had not been passed.

7. (1) The Provincial Government may, from time to time, with the concurrence of the High Court by notification in the *Official Gazette*, add to, alter or amend the entries in Schedule A, so far as may be necessary in consequence of reclamation, encroachment by sea, submergence of water-course or other alterations of sea limits or correct mistakes in the said Schedule and the said Schedule shall, on the issue of such notification, be deemed to be amended accordingly. Amendment of entries in Schedules A and C.

(2) The Provincial Government may, from time to time, by notification in the *Official Gazette*, add to, alter or amend the entries in Schedule C and the said Schedule shall on the issue of such notification be deemed to be amended accordingly.

8. In all Central Acts and Regulations relating to any of the matters enumerated in Lists II and III in the Seventh Schedule to the Government of India Act, 1935, passed before the commencement of this Act, unless there is anything repugnant in the subject or context,— Definitions in Central Acts relating to certain matters.

(1) "City of Bombay" shall mean the area within the local limits of the ordinary original civil jurisdiction of the High Court immediately before the commencement of this Act;

(2) "Presidency town of Bombay", "town of Bombay", "town and island of Bombay" and "Presidency town" when used with reference to the Province of Bombay, or "Greater Bombay" shall mean the areas for the time being specified in Schedule A.

39. [Amendment of certain enactments.] *Rep. by Bom. 52 of 1947, s. 2.*

SCHEDULE A.

Areas comprised in Greater Bombay.

[See section 2 (2).]

Part I.

1. The Town and Island of Bombay.

2. The limits of the Port of Bombay as defined in the Government notification in the Political Department, No. 6204, dated the 6th June 1930, issued under section 5 of the Indian Ports Act, 1908. XV of 1908.

¹ The words "in or in respect of any of the areas comprised in Greater Bombay" were deleted by Bom. 52 of 1947, s. 2 and Schedule.

² These words were inserted, *ibid*.

³ The amendments made by this section and Schedule E in certain enactments have been continued in force by Bom. 52 of 1947, s. 2.

Part II.

1. The limits of the municipal boroughs of Bandra, Parle-Andheri and Kurla and of the municipal districts of Ghatkopar-Kirol and Juhu.

2. The undermentioned 28 villages of the Bombay Suburban District :—

1. Bandivali.	11. Man Budruk.	21. Mohili.
2. Chembur.	12. Mulgaon.	22. Maravali.
3. Vadawli.	13. Vesava.	23. Mogre.
4. Ambivali.	14. Madh.	24. Shahar.
5. Chakala.	15. Devnar.	25. Nanala.
6. Trombay.	16. Borle.	26. Saki.
7. Bapnala.	17. Mahul.	27. Asalpe (Asap).
8. Brahmanwada.	18. Anik.	28. Kondivate.
9. Mandala.	19. Kole-Kalyan.	
10. Mankhurd.	20. Marol.	

Note.—The limits of the above areas comprising Greater Bombay are shown by a purple line on two plans signed by the Secretary to Government, Home Department, one of which is deposited with the Prothonotary of the High Court and the other with the Secretary to Government, Home Department.

SCHEDULE B.

Enactments which are not affected by this Act.

[See section 3 (2).]

Year.	No.	Short title.
1	2	3

Central Acts.

1876	XV	The Bombay Municipal Debentures Act, 1876.
1888	XII	The City of Bombay Municipal (Supplementary) Act 1888.

Bombay Acts.

1867	VI	The Bombay City Sanitary Regulation Act, 1867.
1874	I	The Bombay Tramways Act, 1874.
1876	II	The Bombay City Land-Revenue Act, 1876.
1877	I	The Bombay Vaccination Act, 1877.
1888	III	The City of Bombay Municipal Act, 1888.
1890	V	The Bombay Municipal Servants Act, 1890.
1898	I	The City of Bombay Municipal Investments Act, 1898.
1915	IV	The Bombay City Survey Act, 1915.
1920	XV	The City of Bombay Primary Education Act, 1920.

SCHEDULE C.

Enactments which are not affected by this Act.

[See section 3 (2).]

Year.	No.	Short title.
1	2	3
Central Acts.		
1899	II	The Indian Stamp Act, 1899.
1 *	*	* * *
Bombay Acts.		
1925	V	The Bombay Prevention of Adulteration Act, 1925.
1925	VI	The Bombay Betting Tax Act, 1925.
1925	VIII	The Bombay Securities Contracts Control Act, 1925.
1929	VII	The Bombay Maternity Benefit Act, 1929.
1932	II	The Bombay Finance Act, 1932.
1932	XV	The Bombay Weights and Measures Act, 1932.
1939	XVI	The Bombay Rent Restriction Act, 1939.
1939	XXIV	The Bombay Shops and Establishments Act, 1939.
1944	VII	The Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944.

All Central Ordinances.

SCHEDULE D.

Enactments which shall cease to apply to or to be in force in the areas specified in Part II of Schedule A.

[See section 4 (1).]

Year.	No.	Short title.
1	2	3
Central Acts.		
1869	XIV	The Bombay Civil Courts Act, 1869.
1871	I	The Cattle-trespass Act, 1871.
1887	IX	The Provincial Small Cause Courts Act, 1887.
1920	V	The Provincial Insolvency Act, 1920.
Bombay Acts.		
1867	VII	The Bombay District Police Act, 1867.
1890	IV	The Bombay District Police Act, 1890.
1905	I	The Bombay Court of Wards Act, 1905.
1906	II	The Mamlatdars' Courts Act, 1906.

²SCHEDULE E.

[Enactments which are amended by this Act to the extent and in the manner specified in column 4 hereof.] Rep. by Bom. 52 of 1947, s. 2.

¹ The figures and words "1939, XXV. The Defence of India Act, 1939" were deleted by Bom. 52 of 1947, s. 2 and Schedule.

² The amendments made in the various enactments, have been continued in force by Bom. 52 of 1947, s. 2.